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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/484,865	01/18/2000	Fred Albert Dykins	1015-011	1215

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EXAMINER

TANG, KENNETH

ART UNIT	PAPER NUMBER
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2127

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/484,865	<b>Applicant(s)</b> DYKINS ET AL.	
	<b>Examiner</b> Kenneth Tang	<b>Art Unit</b> 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This non-final action is in response to the Amendment on 4/20/04. Claims 1-50 are presented for examination.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the interactions of the “legacy system”, “non-legacy system”, “computer system”, and “microdevices” as shown in the independent claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. In claim 1, “processing microdevices” (line 26) is indefinite because it is not made explicitly clear in the claim language if the computer, legacy, and/or the non-legacy system processes the microdevices. Claims 13, 26, and 38 are rejected for the same reasons.
  - a. In claim 1, “non-legacy processing system for operating independently from the computer” (lines 5-6) is indefinite because in line 9, the computer system provides the task to the non-legacy system and in line 14, the return non-legacy information is returned from the non-legacy system to the computer. In addition, “returning the return non-legacy information to the computer system” is indefinite because it is not made clear in the claim language how this can occur if the non-legacy processing system is supposed to be independent of the computer system. Claims 13, 26, and 38 are rejected for the same reasons.
  - b. In claim 1, “providing processing system setup and shutdown parameters” (line 15) and “providing the processing system process-specific parameters” (line 16) because it is not made explicitly clear in the claim language whether the legacy, non-legacy,

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computer system, or microdevices is performing these features. Claims 13, 30, 34, 42, and 46 are rejected for the same reasons.

c. In claim 1, there is no link or relationship established between “non-legacy information” (line 14) and “system setup and shutdown parameters” (line 15) and “system process-specific parameters” (line 16), and therefore, it is not made explicitly clear in the claim language whether or not “non-legacy information” constitutes “system setup and shutdown parameters” and “system process-specific parameters”. Claim 13 is rejected for the same reasons.

d. In claim 1, “providing the number of processed microdevices to be output from the legacy processing system and the non-legacy processing system” (line 21) and “providing processing system process-specific parameters to the legacy processing system and the non-legacy processing system” (line 23) is indefinite because it is not made explicitly clear in the claim language whether the microdevices or computer system provides this. Claim 13 is rejected for the same reasons.

e. Claims 13, 26, 30, 34, 38, 42, and 46 had the same deficiency as claim 1 above. Corrections to claim 1 are also required to overcome the rejection for these claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 26-29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyner et al. (hereinafter Tyner) (US 6,272,618 B1) in view of Bodnar et al. (hereinafter Bodnar) (US 6,658,268 B1).**

6. As to claim 26, Tyner teaches a method for processing microdevices comprising:  
providing a computer system having processing information related to the microdevices as a task (*col. 6, lines 32-34, col. 3, lines 5-14 and 45-55, see Fig. 1, item 16*);  
providing a legacy processing system (*col. 6, lines 32-34*);  
providing a non-legacy processing system (*col. 6, lines 32-34*);  
providing the task from the computer system to the legacy processing system with constant interaction therebetween (*col. 6, lines 32-34, col. 3, lines 34-40*);  
performing a task by the non-legacy processing system independent of the computer system (*col. 6, lines 32-34*).

7. Tyner fails to explicitly teach:  
providing the task from the computer system to a non-legacy processing system for performing the task by the non-legacy processing system independent of the computer system, developing return non-legacy information resulting from the non-legacy processing system using the task, and returning the return non-legacy information to the computer system.

8. However, Bodnar teaches a non-legacy phone docketing (sending and receiving) both software tasks and non-legacy information between a personal computer and a non-legacy phone via a flash-based memory medium, so that the non-legacy system can then run on its own autonomously/independently from the computer system (*col. 17, lines 33-63*). It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of providing the task from the computer system to the non-legacy processing system for performing the task by the non-legacy processing system independent of the computer system, developing return non-legacy information resulting from the non-legacy processing system using the task, and returning the return non-legacy information to the computer system to the existing system and method of Tyner in order to transfer instructions and information, thus making both the computer and non-legacy system "smarter" (*col. 17, lines 33-63*).

9. As to claim 27, Tyner teaches:

providing a microdevice programming system in the legacy processing system, the legacy processing system having an on-line connection with said computer system (*col. 5, line 17, Fig. 1, item 30, col. 6, lines 32-34*); and

programming the microdevices in the microdevice programming system using the task provided through the on-line connection from the computer system to the processing system (*col. 5, line 17, Fig. 1, item 30, col. 6, lines 32-34*).

10. As to claim 28, it is rejected for the same reasons as stated in the rejection of claim 26. In addition, Bodnar teaches a user mode (*see Abstract*).

11. As to claim 29, it is rejected for the same reasons as stated in the rejection of claim 26. In addition, Tyner and Bodnar fail to explicitly teach having an administrator mode. However, "Official Notice" is taken that both the concept and advantages of an administrator is well known



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and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to an administrator mode to the existing system and method in order to provide control and security.

12. As to claim 37, Tyner and Bodnar fails to explicitly teach providing an administrator mode and protecting provision of the operator mode using a password input in the administrator mode. However, "Official Notice" is taken that both the concept and advantages of providing an administrator mode and protecting provision of the operator mode using a password input in the administrator mode is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include providing an administrator mode and protecting provision of the operator mode using a password input in the administrator mode to the existing system and method in order to provide security.

**13. Claims 38-41 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyner et al. (hereinafter Tyner) (US 6,272,618 B1) in view of Bodnar et al. (hereinafter Bodnar) (US 6,658,268 B1), and further in view of Coburn et al. (hereinafter Coburn) (US 2002/0120921 A1).**

14. As to claim 38, it is rejected for the same reasons as stated in the rejection of claim 26. In addition, Tyner in view of Bodnar fails to explicitly teach using a programmer/feeder system. However, Coburn teaches using a programmer/feeder system consisting of robots, computers,

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programmable logic controllers, mills, drills, stamps, clamps, sensors, transfer bars, assemblers, etc. because almost every industry has recognized its advantage that use of automated assembly and machining lines to form and assemble product components and assemblies reduce manufacturing time, reduces product costs, and increases product quality (*page 1, [0005]*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of a programmer/feeder system to the existing system of Tyner and Bodnar in order to gain the advantages mentioned above.

15. As to claim 39, it is rejected for the same reasons as stated in the rejection of claim 27.

16. As to claim 40, it is rejected for the same reasons as stated in the rejection of claim 28.

17. As to claim 41, it is rejected for the same reasons as stated in the rejection of claim 26. In addition, Tyner, Bodnar, and Coburn fail to explicitly teach having an administrator mode. However, "Official Notice" is taken that both the concept and advantages of an administrator is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to an administrator mode to the existing system and method in order to provide control and security.

18. As to claim 49, Tyner, Bodnar, and Coburn fails to explicitly teach providing an administrator mode and protecting provision of the operator mode using a password input in the administrator mode. However, "Official Notice" is taken that both the concept and advantages of

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providing an administrator mode and protecting provision of the operator mode using a password input in the administrator mode is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include providing an administrator mode and protecting provision of the operator mode using a password input in the administrator mode to the existing system and method in order to provide security.

19. As to claim 50, Bodnar teaches providing information for affecting changes selected from a group consisting of software, firmware, and a combination thereof by using the portable memory medium (*col. 17, lines 33-63*).

20. **Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyner et al. (hereinafter Tyner) (US 6,272,618 B1) in view of Bodnar et al. (hereinafter Bodnar) (US 6,658,268 B1), and further in view of Kenik et al. (hereinafter Kenik) (US 4,821,197).**

21. As to claim 33, Tyner in view of Bodnar fails to explicitly teach combining a plurality of tasks to define a kit and performing the processing of a kit through the off-line connection. However, Kenik teaches using kits to perform off-line subassemblies (*col. 5, lines 33-44*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of combining a plurality of tasks to define a kit and performing the processing of a kit through the off-line connection because this allows for tracking, updating and maintaining inventory (*col. 5, lines 33-44*).

**22. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyner et al. (hereinafter Tyner) (US 6,272,618 B1) in view of Bodnar et al. (hereinafter Bodnar) (US 6,658,268 B1), further in view of Coburn et al. (hereinafter Coburn) (US 2002/0120921 A1), and further in view of Kenik et al. (hereinafter Kenik) (US 4,821,197).**

23. As to claim 45, Tyner, Bodnar, and Coburn fail to explicitly teach combining a plurality of tasks to define a kit and performing the processing of a kit through the off-line connection. However, Kenik teaches using kits to perform off-line subassemblies (*col. 5, lines 33-44*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of combining a plurality of tasks to define a kit and performing the processing of a kit through the off-line connection because this allows for tracking, updating and maintaining inventory (*col. 5, lines 33-44*).

***Allowable Subject Matter***

24. Claims 1-25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

25. Claims 30-32, 34-36, 42-44, and 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

26. Applicant's arguments have been fully considered but are now moot in view of the new grounds of rejections.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Kt  
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